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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

DOUGLAS BURNS,

No. C 08-2995 RS

Plaintiff,

**VERDICT FORM**

v.

JAIME MATEO, DAVID GOUGH, CITY  
OF REDWOOD CITY,

Defendants.

\_\_\_\_\_/

We the jury in the above-entitled action, find the following special verdict on the questions submitted to us:

1. Do you find by a preponderance of the evidence that a defendant used, or caused the use of, excessive force against the plaintiff in violation of the Constitution of the United States?

**Answer "yes" or "no" as to each defendant.**

**Answer: JAIME MATEO**  
**DAVID GOUGH**

Yes

No

X

\_\_\_\_\_

X

1 Please proceed to question 2.

2  
3 2. Do you find by a preponderance of the evidence that a defendant interfered or attempted to  
4 interfere by threats, intimidation, or coercion with the exercise or enjoyment by plaintiff of rights  
5 secured by the Constitution or laws of the United States, or by the Constitution or laws of  
6 California, in violation of California Civil Code section 52.1?

7  
8 Answer "yes" or "no" as to each defendant.

	Yes	No
9 Answer: JAIME MATEO & REDWOOD CITY	<u>X</u>	<u>      </u>
10 DAVID GOUGH & REDWOOD CITY	<u>      </u>	<u>X</u>

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12  
13 Please proceed to question 3.

14  
15 3. Do you find by a preponderance of the evidence that a defendant was negligent?

16  
17 Answer "yes" or "no" as to each defendant.

	Yes	No
18 Answer: JAIME MATEO & REDWOOD CITY	<u>X</u>	<u>      </u>
19 DAVID GOUGH & REDWOOD CITY	<u>X</u>	<u>      </u>

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22 Please proceed to question 4.

23  
24 4. Do you find by a preponderance of the evidence that a defendant intentionally inflicted  
25 emotional distress on plaintiff?

26  
27 Answer "yes" or "no" as to each defendant.

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	Yes	No
<b>Answer: JAIME MATEO &amp; REDWOOD CITY</b>	_____	<u>X</u>
<b>DAVID GOUGH &amp; REDWOOD CITY</b>	_____	<u>X</u>

*If you answered "Yes" to any portion of Questions 1 through 4 above, then please proceed to Question 5. If you answered "No" to all portions of Questions 1 through 4 above, please sign and date this verdict form without answering the remaining questions.*

5. What do you find the total amount of damages, if any, suffered by the plaintiff caused by a defendant's conduct?

\$ 217,784

*Please Proceed to Question 6.*

6. If you answered "Yes" to any portion of Question 3 above, do you find by a preponderance of the evidence that plaintiff was negligent?

**Answer "yes" or "no."**

	Yes	No
<b>Answer:</b>	<u>X</u>	_____

*If you answered "Yes" to Question 6, please proceed to Question 7. If you answered "No" to Question 6, please proceed to Question 8.*

7. If you answered "Yes" to Question 6, what percentage of responsibility for plaintiff's injury do you attribute to each defendant and to plaintiff? The total combined percentage must equal 100%.

Defendant Mateo 35 %

Defendant Gough 35 %

Plaintiff Burns 30 %

*Please proceed to question 8.*

8. If you answered "Yes" as to defendant Mateo in Question 1 above, do you find by a preponderance of the evidence that defendant Mateo's conduct was malicious, oppressive, or in reckless disregard of plaintiff's rights?

Answer "yes" or "no."

Answer:

Yes

No

           ~~X~~

*If you answered "Yes" to Question 8, please proceed to Question 9. If you answered "No," to Question 8, please proceed to Question 10.*

9. If you answered "Yes" to Question 8, what amount, if any, do you award as punitive damages against Defendant Mateo?

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3 *Please proceed to question 10.*  
4

5 10. If you answered "Yes" as to defendant Gough in Question 1 above, do you find by a  
6 preponderance of the evidence that defendant Gough's conduct was malicious, oppressive, or in  
7 reckless disregard of plaintiff's rights?

8  
9 **Answer "yes" or "no."**

10 Yes

No

11 **Answer:**

\_\_\_\_\_

\_\_\_\_\_

12  
13  
14 *If you answered "Yes" to Question 10, please proceed to Question 11. If you answered "No," to*  
15 *Question 10, please sign and date this verdict form.*  
16

17 11. If you answered "Yes" to question 10, what amount, if any, do you award as punitive  
18 damages against Defendant Gough?

19  
20 \$ \_\_\_\_\_  
21

22 *Please sign and date this verdict form.*  
23  
24

25  
26 Dated: 6/16/11

27   
Foreperson

28 No. C 08-2995 RS  
VERDICT FORM